

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**IBALDO ARENCIBIA, individually and §
on behalf of all others similarly situated, §
§
Plaintiff, §
§
v. § Civil Action No. 4:20-cv-00819-O
§
**AGA SERVICE COMPANY et al., §
§
Defendants. §****

ORDER

Before the Court is Ibaldo Arecibia's Unopposed Motion for Leave to File Amended Class Action Complaint under Fed. R. Civ. P. 15(a) and to Adjust Briefing Schedule (ECF No. 82), filed October 16, 2020. In support of the unopposed motion, Plaintiff states:

Because Plaintiff is a Florida resident and this matter was originally filed in Florida, all of Plaintiff's causes of action are based on either federal or Florida statutory or common law. Implicit in the transfer of this case from Florida to Texas was a determination that Plaintiff's claims against AA were controlled by Texas law. Therefore, in the interests of justice, Plaintiff now respectfully moves to amend his Class Action Complaint to add causes of action against AA under Texas law and modify the original causes of action as appropriate.

Pl.'s Mot. 1, ECF No. 82. Plaintiff also moves the Court to alter the briefing deadlines for Defendants to file their respective motions to dismiss the First Amended Complaint, for Plaintiff to file his responses thereto, and for Defendants to file their respective reply briefs.

Having considered the motion, pleadings, procedural history, and applicable law, the Court **GRANTS IN PART and DENIES IN PART** Ibaldo Arecibia's Unopposed Motion for Leave to File Amended Class Action Complaint under Fed. R. Civ. P. 15(a) and to Adjust Briefing Schedule (ECF No. 82). The Court **GRANTS** the motion insofar as Plaintiff seeks leave to file his Amended Class Action Complaint. The Court **directs** the Clerk of Court to docket the Amended Class Action

Complaint, currently attached as an exhibit to the motion (*see* ECF No. 82-1), with an entry date of October 16, 2020. Absent more, however, the Court **DENIES** Plaintiff's motion insofar as he requests an adjustment of the briefing schedule in the Court's October 13, 2020 order (*see* ECF No. 81).¹ With the exception of alleging claims against Defendant American Airlines under Texas law, rather than Florida law, the proposed Amended Class Action Complaint is not vastly different from the Original Class Action Complaint. When this matter was transferred to this District from the Southern District of Florida, Defendants' respective motions to dismiss had been fully briefed. Although the Court has since denied as moot those pending motions and ordered Defendants to refile them under Fifth Circuit law and, when appropriate, Texas law, the parties' familiarity with the pending issues persuades the Court that the current briefing deadlines need no adjustment.

SO ORDERED on this **16th day of October, 2020.**



Reed O'Connor
UNITED STATES DISTRICT JUDGE

¹ The current deadline for Defendants to re-file their respective motions to dismiss is Friday October 23, 2020. The deadline for Plaintiffs to respond to each is Monday, November 2, 2020. The deadline for Defendants to reply is Friday, November 6, 2020. *See* ECF No. 81 at 1-2.